

of India on 1st November 1956 and are continued by the State Government.

Fresh Second Five-Year Plan in respect of the New State of Mysore.

Q.—286. Sri S. S. KOLKEBAIL (Brahmavar).—

Will the Government be pleased to state :—

(a) whether they have prepared a fresh Second Five-Year Plan and submitted it to the Central Government ;

(b) if not, whether they propose to take steps to prepare a fresh Plan in respect of the New Mysore State ?

A.—Sri S. NIJALINGAPPA (Chief Minister).—

(a) No. The Second Five-Year Plans of the different States, of which certain areas have been ceded to form part of the New Mysore State, had already been approved by the respective Governments and the Planning Commission. Those Plans have now been integrated into the Second Five-Year Plan of the New Mysore State, with an outlay of about Rs. 145 crores.

(b) Does not arise in view of reply to clause (a).

THE BOMBAY TENANCY (SUSPENSION OF PROVISIONS AND AMENDMENT) BILL, 1957.

Motion to consider (Contd.)

*Sri S. D. KOTHAVALA (Chikodi).—
Mr. Speaker, Sir, in the course of my speech yesterday, I tried to bring to the notice of the Hon'ble House the principles on which the Congress Party has been working in regard to land reforms. I pointed out, Sir, the policy that has been enunciated from time to time and even in the last election manifesto has been that the land must always go to the tillers and that tillers should be the owners. The question was and is whether the Bombay Tenancy and Agriculturists Land Act as amended in the year 1956,

has carried out and has brought into effect this important principle, and it has been my view that the Bombay Act has not done it. To illustrate what I said, I can point out that the question of ceiling, which is a very important point to illustrate that principle of land to the tiller, is not brought into effect. I said Sir, that if the provisions of section 34 were read with the definition of 'personal cultivation' it would be found that it was open to a landholder to cultivate a very large area, far larger than the so called ceiling area of 48 acres. Therefore, the Act requires overhauling in that respect.

12-30 P.M.

The question of a ceiling limit is very very important. This House will see that if there is to be an equitable distribution of lands amongst the persons who are entitled to possession and ownership of lands, then the question of ceiling is very very important. As this House knows, in the village community there are peasant proprietors, tenants, landless labourers and there are also landlords who are sometimes absentee landlords. As regards peasant proprietors who cultivate their own lands, we need not worry because it has been the policy of the Congress as also of other people in India that peasant proprietorship should be encouraged.

The second point is with respect to tenants. I need not say that the tenant class as such is a small class as compared to the entire population of the village. Most of the tenants are themselves landholders or peasant proprietors and in addition to their own land they cultivate the lands of other persons also. If this Act seeks only to protect the interests of such tenants, then I am one with the object of the Act because the interests of the tenants should be protected. But the question is as to what is to be done with respect to landless labour. As this House knows, the landless labour in villages varies from 40 to 50 per cent of the population of the village. These landless labourers work day in and day out and try to eke out a very poor living. There is no security for their

(SRI S. D. KOTHAVALA)

life and the life of their family members. We have got to do something for this class of landless labourers. If we do not put a reasonable ceiling limit to land-holding, it will not be possible to make lands available to these landless labourers. So far as the Bombay Act is concerned, very scant consideration has been given to the problem of landless labourers. So it is necessary that a reasonable ceiling limit should be fixed so as to leave sufficient land for distribution amongst the landless labourers.

With respect to the question of ceiling of land-holding, the Second Five-Year Plan says that the ceiling should not exceed three times the economic holding. Economic holding is defined in the Second Plan as a piece of land yielding a gross produce worth Rs. 1,600. Therefore the total ceiling area according to the scheme of the Second Plan should be an area yielding a gross income of Rs. 4,800 and the ceiling should not exceed that limit. There are certain reasonable exceptions recognised by the Second Plan and I need not go into that question here because that question will be considered at the appropriate time when this House will be considering a uniform law for the entire State. Therefore, as the matter stands, the Bombay Act has flouted the provisions of the Second Plan for land reforms. It is possible, as I said in the beginning, that a landholder may hold even 500 acres or sometimes 1,000 acres if he happens to possess them somehow or other. Therefore, the view expressed by some of the Hon'ble Members opposite that the Bombay measure is a very progressive one, is not correct. I hold different views about the scheme of that Act. I expressed those differences to the Bombay Government when the Bill was under consideration and also when the Bill came before the Legislature for consideration.

Now, with respect to the other matter, namely, the transfer of ownership of land to tenants, the question is, are the provisions of the Bombay

Act equitable and do they effectively transfer the ownership of land to tenants? I submit in all humility that the Act does not do so. In the Act itself there are many impediments in the way of the transfer of ownership of land to tenants and so the scheme for transfer of ownership of land to tenants is not a very scientific one. Any one casually going through the provisions of Sections 32 to 32R will find that the question of payment of price by the tenant and receipt of price by the landlord is a matter between the landlord and the tenant. It has been my humble view that this matter should not be left to these two classes only, namely, landlords and tenants, but the matter should be left to a tribunal constituted for the purpose. This idea is incorporated in the scheme contained in the Second Plan. There it is stated that the amount of price should be made payable in 20 instalments and the State Government concerned should pass bonds in favour of the landlords and recover what is called fair rent under the Second Plan from the tenants and pay the same for satisfying the instalments for a period of 20 years or so. The idea of the Second Plan is that both the landlords and the tenants should be benefited and there should be a good relationship between the two classes. But, as the House will find, under the present Act the instalments are made payable by the tenants to the landlords. In case a tenant fails to pay more than four instalments, then the transfer of ownership of the land does not come into effect. I shall read a portion from the Act to illustrate what I said. Section 32M (1) says:

“(1) On the deposit of the price in lumpsum or of the last instalment of such price, the Tribunal shall issue a certificate of purchase in the prescribed form, to the tenant in respect of the land. Such certificate shall be conclusive evidence of purchase. If a tenant fails to pay the lumpsum within the period fixed under clause (ii) of sub-section (1) of Section 32K or is at any time in arrears of four instalments, the purchase shall be

ineffective and the land shall be at the disposal of the Collector under Section 32P and any amount deposited by such tenant towards the price of the land shall be refunded to him.'

The meaning of this section is very clear. Under this scheme the tenant becomes the owner of the land only on payment of the last instalment of the price. Secondly, if he fails to pay four instalments, then the purchase becomes ineffective and the land is then kept at the disposal of the Collector for disposal under the appropriate section of the Act. Therefore the scheme provided here is ineffective and not adequate for the purpose of transferring ownership of the land from the landlords to the tenants. In my view a better scheme would be for the State to intervene in the transaction and issue bonds to the landlords, recover fair rent from the tenants from year to year and pay the same towards satisfaction of the instalments to the landlords. This is also the recommendation contained in the Second Plan. The position, therefore, is that the scheme as contained in the Bombay Act is not at all satisfactory. It is bound to create a feeling of enmity between the two classes. From what we know about the operation of this Act in the four districts of Karnataka of the former Bombay State, there is much bitterness amongst certain classes and there has been much litigation which has led to considerable corruption also.

Therefore, the very important provisions of section 32 which provide for the transfer of ownership to the tenants are very unsatisfactory and they require complete overhauling. The basic idea of these provisions has got to be changed. With respect to certain other matters also this Hon'ble House will find that the Bill itself is a very complicated one. Even the highest courts, such as the High Court, find it difficult to interpret these laws, Sir, laws which deal with such things should be very simple, easy to understand and should be of a sort of mechanical nature giving very

little discretion to the officers. Now, the discretion given to officers has led to considerable corruption and litigation. For instance, if effect has to be given to section 32R, at least 5 to 6 years will lapse when the last proceedings would be disposed of by the Revenue Tribunal. Therefore, the question of immediate transfer does not arise and the matter is allowed to get involved in unwanted and undesirable litigation and corruption, which all of us in this House decry. It is, therefore, necessary in the interest of the tenants and peasantry in this country to have simple laws, giving very little discretion to the officers. The official duty of the officers should only be to make certain calculations and enforce the Act in a mere mechanical manner. It may not be possible to have a completely mechanised law. But, we should try, as far as possible, to have a law of that nature. This Hon'ble House knows that the officers under this Act wield very great and extraordinary powers, powers which are not within the competence of civil courts. Practically, the effect of this law is to exclude the jurisdiction of the civil courts and powers are allowed to remain with the civil officers like Mamledars and Collectors and so on. Therefore, to invest such large powers in the hands of small officers is not very desirable and we have got to think about what machinery should be employed for the enforcement of this Act,—whether it should be the Revenue machinery or the civil court or an independent machinery of a judicial nature, a machinery consisting of persons who are entitled to enforce this Act.

(Sri S. Gopala Gowda interrupted.)

I do not yield, Sir.

MR. SPEAKER.—Unless it is a point of order, I cannot help if the Hon'ble Member does not yield.

SRI S. D. KOTHAVALA.—Probably, the complaint of my friend Sri Gopala Gowda may be that I am saying things which, in his view, are not relevant. But, may I bring it to his notice that I am making out a case that the

(SRI S. D. KOTHAVALA)

present Bombay Act which is under fire here, is not good and requires overhauling? I must point out the defects of the Act, particularly in those parts which are very material to the welfare of the tenants and peasants. Therefore, it is my duty to criticise and point out the defects of the existing law. Sir, a point was raised by my friend Sri Pujar and also Sri Kadam that by criticising the provisions of the Bombay Act, we are casting reflection on the Bombay Legislature. It is far from my thought and far from the thoughts of Hon'ble Members this side, (Treasury Benches). Even the Constitution exists only so far as it serves the well being of the people and furthers the intention of the policies and principles which are near and dear to us. If it is found, in course of time, that there is something wrong and the intention that was sought to be conveyed through the various provisions of the law is not carried out properly, then it will be a sacred duty of ours to go in for an amendment. Hon'ble Members here know that the Constitution of India has been amended several times. The Tenancy Act in Bombay was amended more than once; and not only the Constitution of India but the Constitutions of all countries in the World have been corrected from time to time. Therefore, there is no *sacro sanctum* about laws that are passed by the Legislatures. We have got to learn by experience and it is our duty to make provisions from time to time in the light of the experience gained and in the light of the defects that are discovered in the course of the operation of the Act. There is nothing sacred about it.

Sir, it was argued by Sri Kadam that the provisions of this Ordinance as well as the Bill in question are very vague. I am surprised to find this criticism. The provisions are not at all vague; they are very clear. The object is to suspend the operation of section 31 and sections 32 to 32R. The purpose is given. The rest of that is in force and is allowed to operate. Therefore, I fail to see in what way there is vagueness and in what way

there is want of correct understanding regarding the provisions of the Bill and regarding the provisions of the Bombay Act which is sought to be suspended. Therefore, there is no vagueness. The Hon'ble House will find, as a matter of fact, that the provisions of the present Bill are more progressive than some of the provisions of the Bombay Act. For instance, it will be found that under section 50 of the Bombay Act, the tenant can surrender the land subject to the provisions of sections 31 and 31A. If the tenant is influenced by the landlord to surrender the land, the law permitted him to surrender the entire land under the Bombay Act. Sir, Hon'ble Members know, as a matter of experience, that most of these surrender cases are not at all natural. They are not done on the initiative of the tenants themselves. They are somehow or other persuaded on certain considerations and some influences are brought to bear on them. Sometimes false assurances are given and promises are made by the landlords that though the land is surrendered, the tenant would be continued on the land. Therefore, this Hon'ble House does not require any power of imagination to understand how these surrenders take place.

Therefore the present law has taken this aspect into consideration and has made one more provision, *viz.*, that the meaning of 'surrenders' is to be subject to the provision of Section 31B. The provision of section 31B states that it is not open to the tenant to part with the entire land; at least half of the land should remain with the tenant. The principle of section 31B of the Bombay Act will not have effect during the period of suspension. So, this is an advance made in the interests of the tenants. And therefore this Bill is progressive in that respect. One more thing has been done here. One more section is added to the penalty clause in the Act itself. In the Bombay Act under section 81, section 15 (1) was not at all included. Now by this Act, section 15 (1) is included. The effect would be that if the landlord takes the surrender of a land in breach of the provision of

section 15(1), he would be punished under section 81 of that Act. So, this Bill has made an advance in some matters with respect to certain provisions of the Act. It is not at all vague and it is very very clear. It has given certain additional rights to the tenants in the Bombay Karnataka Districts.

A point was raised by my Hon'ble friend Sri Gopala Gowda challenging the utility of the Committee to go into this question. He said in an eloquent way that the principles were well defined and enunciated but what was the utility of the Committee. Well, it is a very vague question and I do not think that he does not appreciate the utility of the Committee nor the principles enunciated by the Congress from time to time. The principles are enunciated in the Second Five-Year Plan. The question of application of principles arises. In a sub-continent like India, conditions differ from place to place and the question of correct application of various principles is a very important and very complicated matter and it requires best brains for consideration of this aspect, who, of course, will be directed for making recommendations regarding the formulation of correct laws. Therefore, it would be for this Committee to suggest the most correct way of applying those principles. The functioning of that Committee in that way is very important and it requires imagination for us to understand the importance of this Committee. The Bombay Act was sought to be constructed on the principles enunciated by the Congress, but we find that it has not brought out those principles; the provisions are highly defective and the result is, that we must amend such laws. I do not mean that the Legislature in Bombay, at least the majority who are responsible for the passing of that Act, had any doubt regarding the principles upon which they wanted to work, but somehow or other, by inadequate judgment and because of hasty proceedings, unfortunately those principles have not been brought into effect so far as the wordings and the provisions of the Bombay Act go. Therefore we should not commit a mistake of that

nature hereafter. In Mysore State itself, conditions differ from place to place and they have got to know the holdings, the nature of cultivation, whether cultivation is intensive or extensive, and the question of ceiling will have to be considered with respect to the nature of cultivation itself. The basis, in my view, should not be merely acreage of the land but it should depend upon the capacity of the land to yield the produce and its fertility. Because, a plot of land of two acres in my taluka, particularly on the western side, will bring an income of Rs. 2,000 whereas about 20 or 200 acres of land in certain famine-stricken areas will not bring that income. Therefore the question of ceiling should not be made to depend upon mere acreage but upon the fertility of the soil, upon the nature of the cultivation, upon the amenities of irrigation and such like things available in that part. The question of ceiling is not an easy job; it requires careful attention of this House to consider and make the provision. If I give my support to this Bill, it is because, I think, there would be an opportunity for me and for the members of this House to give effect to the noble principles which the Congress wants to bring into effect for the amelioration of the peasant proprietors, land-owners and tenants. Therefore I lend my support to the Bill. Thank you, Sir.

Sri K. PATTABHIRAMAN (Kolar).—Sir, I would like to offer some remarks on this very important Bill. At the outset I would like to bring one or two general aspects to the notice of this House through you, Sir. Now what is the attempt made in this Bill? We are told that on the 11th March an Ordinance was passed suspending the operation of certain important provisions of a duly passed law of a different Legislature, of a State a portion of which has now become integrated with Mysore. I want this aspect to be borne in mind. The effect of that Ordinance has been to seek to exercise the extraordinary power of Ordinance-making by the Governor in order to set at naught a law of the Legislature which it was competent to pass in that State

(SRI K. PATTABHIRAMAN.)

a part of which has now become integrated with this State. I ask you Sir, to consider whether clothing the Governor with this extraordinary power of ordinance-making was really meant to meet a contingency of this kind. I understand that ordinance-making power is an extraordinary power. We generally invoke or seek to invoke it when the Legislature is not in session and when its approval cannot be obtained for a law to be promulgated to meet a new and sudden contingency. Here, the ordinance-making power by the Governor has been invoked in order to suspend a body of current law which otherwise could not be done except by the Legislature. It is also done in order to stifle a legislation passed by a different Legislature—not that I say the Governor is not competent; I cannot question the competence of the Governor; but I want you to consider the advice that is tendered to the Governor while asking him to make this ordinance. Suppose that part of Bombay had not been integrated with Mysore, this law would have continued until it was repealed by the Bombay Legislature or any Legislature that succeeded that Legislature. While the circumstances stood thus, this Government tendered advice to the Governor asking him to use the extraordinary power of ordinance-making and to postpone the duly promulgated law. This is my grievance against this Government. I want the House to consider another aspect. This is purely negative. As a matter of fact, if one looks at the special provisions of this Bill, he would see that absolutely nothing positive was contemplated in effect. My friend was saying that there was nothing sacrosanct in any piece of legislation. Not so; but the *sanctum sanctorum* of that Bill, which was section 31, has been hit against and trampled upon. That is my grievance, which I request this House to consider. It is not that that the Bombay law is so sacrosanct that this House is not competent to amend it. No legislation can be sacrosanct in this changing world. Nevertheless, as I said,

the very soul of the Bill is taken away and section 32 is sought to be deleted; what remains? I ask the House to consider whether this is in good spirit. I am not saying that the Governor is not competent, but I am definite that it was certainly unwise to do such a thing.

There is also another aspect, which I request the House to consider, Sir. Let us for the moment forget the other provisions of this amending Bill that is before us. On its merits, we would consider them subsequently, but by and large there is a certain background which I want the House to consider. What is it that has been done? The Governor, on 11th March, promulgates the Ordinance, which introduces a penal provision. The House will see that the amending Bill seeks to confirm this penal provision; if the landlord has already given notice or if he has already taken possession, he can be convicted by a Magistrate and fined Rs. 200. What is the implication of this? Under the Constitution, this extraordinary power of ordinance-making was to be vested either with the Governor of the State or the President of the Indian Republic, to be used when extraordinary circumstances warranted it. But what has happened here? The Governor, of course on the advice of the Government, has set at naught an important provision of an Act passed by a Legislature and enacted a penal law in addition.

There is yet another aspect, which I want the Hon'ble Minister to clarify. The Governor has exercised, in effect, a suspensive veto on a legislation which was the law of the land and which has been repealed now. Whether an ordinance-making power of this effect is vested with the Governor, I am sceptic about. I cannot agree that the Governor does have a power to cover the present case. Therefore I feel that the advice tendered by the Government and the action of the Governor in issuing this Ordinance, to say the least, was not wise, certainly not proper and as a member of this Legislature, I would go to the extent of saying that the Governor ought not to have been asked to do this.

The Government, while tendering this advice to the Governor, has sought to exercise legislative power and in this case, it has been used to annul the legislation passed in another State. The result is that the executive virtually has set at naught a law passed by another Legislature. This opens up the question of the distribution of powers between the Executive and the Legislature.

This Ordinance has been passed on 11th March. The House is aware that Government had scheduled a meeting of this House, much earlier than 11th March. Therefore the Government was aware on or before 11th March, when they got issued the Ordinance, that the House would meet on the 18th. Where, then, may I ask, was the mighty hurry to rush through an ordinance, anticipating the Legislature's verdict? Would the Heavens have fallen down or would the administration have been jeopardised to an extent that the Ordinance was an absolute necessity? I request the Hon'ble Minister to explain this point. I was not in the House when the Hon'ble Revenue Minister made his speech commending the Bill to the House, but I have read reports of his speech. I find he has absolutely nothing to say in defence of the timing of the Ordinance. He has not made out why he could forestall the Legislature and why he invited the Governor to exercise an extraordinary power of ordinance-making, a power which ought to be used only in grave emergencies.

I fail to follow this scant courtesy being shown to the Legislature. The House would also kindly recollect that in the States Reorganisation Act a definite provision has been made in regard to the integrating areas that have coalesced in a neighbouring State, to the effect that all bodies of laws shall be current for a period of time, until the competent 'Legislature' sits and revises them. That is a statute or a legislative revision. All these have been ignored by this Ordinance.

What are the reasons given to justify the Ordinance? After hearing my esteemed friend, my distinguished predecessor, it looks to me that the

only claim advanced in support of this Bill is that there are divergent laws in the different regions and therefore uniformity is being attempted in tenancy law. It has been stated that in Coorg there is no tenancy law and in other neighbouring areas the laws vary. Therefore, may I say with great respect, that the only serious and substantial reason advanced before the House both in the Statement of Objects and Reasons and also in the speech of the Hon'ble the Revenue Minister in commending the Bill, is that in order to ensure uniformity of tenancy law, the House should ratify the Ordinance or pass this Bill? What is it that is done in order to bring about uniformity? You have broken the fabrics that have already been built. Possibly, when we get into the provisions of the Bill, I may agree with this side or that side, but what I want to understand now is this: This Government says that we have got to support it, here, in order to enable it to forge uniform legislation. I ask the House, Sir, if it is not a fact that this Government came into being on the 1st of November. The apprehensions expressed by my friend, Sri V. V. Patil have come true. After five or six months in office, this Government comes forward and says "We have had no time to think of uniform legislation." What a mockery! The House should hesitate to give support and approval to the inefficiency of a Government. After months in office this Government has nothing positive to say except pass an ordinance. Why should the House support this inefficient Government? I have never heard of a Government saying: "We were in office for five or six months, but we were so inefficient that we were unable to do anything constructive and therefore the House should come to our rescue".

Let us look at the provisions of the amending Bill. My friend Sri Gopala Gowda has given his comments. Possibly he is right or possibly my immediate and distinguished predecessor may be right.

I have followed the debate correctly, and the speech of my distinguished

(SRI K. PATTABHIRAMAN.)

predecessor correctly. We would be sitting in judgment over a legislation passed by another House. I personally feel, Sir,—I am a bit sensitive in these matters—that this is not correct. This piece of legislation has been passed by the Bombay Legislative Assembly. It must have considered it thoroughly and I am sure the Revenue Minister here had taken part in it. The Revenue Minister has shared the responsibility of that Cabinet for the Bill although he has stated that he was ill and that he was not present when the Bill was passed. Nevertheless, I think that when the Minister had joint responsibility in the Cabinet along with other Ministers and that Cabinet had put the seal of its approval and the Legislature had passed the legislation, it would be an unfortunate compliment to the integrated area if we treated this matter this way. By bringing in this measure the Revenue Minister is in fact asking this House to exercise a suspensive veto over a piece of legislation passed by the other Legislature. I find after hearing and ascertaining the views of members who come from those areas, that the opinion here is not unanimous. I feel things could have been allowed to remain as they are. There is also another thing. Credit is taken that this measure was forecast even before the elections. Well, I do not want to charge the Government or the Party in power. But you will remember that this is an important matter and the Planning Commission has always been insistent in regard to progressive land reforms. Several States have been slow in this regard and in fact the Planning Commission has asked us to accelerate our speed so that we may catch up with the spirit of the times. When the advice given by them is in the other direction, here is a Bill asking us to halt and exercise our suspensive veto. The circumstances set out before us in justification of this measure are that a number of notices have been issued. That was incidental to and consequential upon the several provisions of the Bombay Act. May I appeal to you, Sir, and ask you : would

this be a correct way of treating a legislation passed by another House? This legislation was passed, if I have understood correctly, somewhere in 1956. The Act was there and nothing was done. After it was passed by the Bombay Legislature things moved on in accordance with the provisions of that Act and they could have been allowed. I feel that absolutely no case has been made out against that Act. If a comprehensive Bill had been placed for improving that Act, I could have understood that this Bill on the lines of the Ordinance went to the extent of saying that even if cases were pending before competent authorities, those petitions should stand dismissed. This is an executive order. I have to state this very regretfully. This House is only asked to pass this amending Bill. Already the effect to it has been given by the Governor of the State. You will remember that the period of notice that is specified in the Bill is going to expire. It is stated that all the notices given shall stand dismissed. Therefore, if any landlord fails to restore possession of the land to the tenant, he shall be punished by a Magistrate with a fine which may extend upto Rs. 200. The effect of this provision is already there. But what I want this House to consider is, that this should not serve as an unfortunate precedent. On the advice of the executive Government the Governor has superseded a law, a token of sovereignty of the Legislature. It is unfortunate that an ordinance has been issued in this affair. I strongly oppose this Bill. Where justice demands, it must be given its due weight I request Sri M. P. Patil to give his unstinted support to the original Act. So far as the Bombay Tenancy Law is concerned, it stands on a different footing. Unfortunately the tenancy legislation has had a different tradition in Mysore. With the advent of the new State, I expected my friend Hon'ble, Sri M. P. Patil to see that that tradition was broken. I am only sorry that he has simply maintained the same old tradition. This Bill is not complimentary to the Government which he represents.

*Sri P. R. RAMAIYA (Basavan-gudi).—I wonder why so much of storm is raised about this simple measure brought forward by the Government today. Sir, this is an interim Government. We are on the eve of forming a new Ministry and things have to be considered properly.

Sir, even as things stand, the new State was formed on the 1st of November last year and different parts of the Kannada-speaking areas were clubbed together. Different laws were being administered in these different parts. Therefore, Sir, it is in the fitness of things that the Government have now brought this measure with a view to bringing into existence a new law which could apply to all parts of the new State of Mysore. Heavens are not going to fall within a month or two. These land reform laws are so comprehensive and they have to be reviewed from time to time. Even as things stand, Sir, yesterday, when I was listening to this debate, I was told by an Hon'ble Member that this law that has been passed by the Bombay Legislature was not satisfactory and it was not in the interest of the tiller of the soil. Sir, this word 'tiller of the soil' is a much abused expression. Who is actually the tiller of the soil? Is he the man who tills the soil owns a couple of bullocks and owns two or three acres of land—is he the tiller of the soil? Or is he one who possesses thousands of acres of land and gets things done by labourers? Is he the tiller of the soil? The law makes no distinction. Only when a tenant gets in, the difference is made. Therefore, it is very necessary that this land reform is really brought into existence in the true sense of the word. Sir, even taking the Mysore Land Reform as it existed in Mysore, there were many defects. They have been worked out and defects detected and amendments were brought forward. Therefore, it is a continuous process. There is no full stop in such matters. We have to reconsider them in view of the experiences that we gain. Sir, for example, let us take this Inam Abolition Bill in Mysore. It took

practically two to three years to come to some conclusion. Again defects were pointed out. Some amendments were brought forward. Now, Sir, we have this old Mysore Law, the Inam Abolition Law. How is it going to fit in with the new parts that have joined Mysore State, for example, North Karnataka, Hyderabad Karnataka and Madras Karnataka? We have to examine things, Sir. Then again, take the Religious Inams Abolition Bill. Every Member of this House knows that in Bombay parts of Karnataka, religious inams were excluded. This Inam Abolition law did not apply to religious inams. Here in Mysore, we have passed it. What is going to happen? Is it going to be applied to the Bombay Karnataka area? What are you going to do? Sir, there are many ambiguities in this law. Therefore, it is very necessary that we have to reconsider all these laws together. I am quite sure that the new Legislature that is going to come in, is going to reconsider all these laws. We have to frame such laws that apply to all parts of the new State of Mysore.

Sir, the government of India and the Congress Party are wedded to certain ideals with regard to these land reforms. They have been considering the question of ceiling. Now we are going piecemeal and we have not got the full picture as to what we have to do. Therefore, Sir, we need not cry very much because the Bombay law is not going to be applied to the four districts of the new State of Mysore. Sir, let us reconsider what has happened. After all, these laws are not like Prussian laws. We have to change them. We have to change them every now and then. Therefore there is no violation of the Constitution. There is no violation of any healthy tradition and it is quite in keeping with the policy, the liberal policy that was adopted by the Congress Government. They want to speed up these things in such a way that more good is done to those to whom these laws apply.

Therefore Sir, I consider that the Opposition is not going to say that they are not going to have any laws passed. I know, I have read in news-

(SRI P. R. RAMAIA.)

papers that in Bombay Karnataka, there was an agitation that these laws that were passed in Bombay Legislature should not be applied to the Karnataka area. I think there was some understanding like that and in keeping with that understanding I think, the Minister for Revenue has brought in this law. Sir, there is nothing wrong. We are not inconsistent. We are not violating the Constitution. We are not violating any tradition. We are going reasonably with these things and to talk of violation of this and that, has no meaning at all. What is the Constitution, after all? Have we not changed the Constitution from time to time? Has not the Indian Constitution been amended several times? Perhaps we are going to make further changes to suit our requirements. I think we have to consider these things from a practical point of view. Supposing the Constitution or any law is not going to help us, we have got to change them. There are certain limitations, there are certain limits to which we can go. We have not exceeded the limits. We are not attempting to do anything violently in this country. Therefore, Government are perfectly right in bringing this measure now and this House has to give its full support to this measure Sir. Thank you.

*ಶ್ರೀ ಎ. ಆರ್. ಪಂಡಗವಿ (ಗೋಕಾಕ).— ಅಧ್ಯಕ್ಷರೇ, ಈ ಗೇಣೀದಾರರ ಮನೂದೆ ಏನಿದೆ ಅದರ ಬಗ್ಗೆ ಅನೇಕಕಡೆಗಳಿಂದ ಟೀಕೆಗಳಾಗಿವೆ. ಅದರ ಮುಂಬಯಿನ್ಮಲ್ಲ ಪಾಸಾದ ಗೇಣೀದಾರರ ಕಾಯಿದೆಯ ವಿಷಯದಲ್ಲಿ ಇಲ್ಲಿ ಅನೇಕರೀತಿಯ ಟೀಕೆಗಳಾದವು. ರಾಜ್ಯಗಳ ಪುನರ್ವಿಂಗಡಣೆಯಾದ ಕಾಲಕ್ಕೆ ಅನೇಕ ತರಹದ ಕಾನೂನುಗಳಿದ್ದವು. ಅವುಗಳನ್ನೆಲ್ಲ ಒಟ್ಟುಗೂಡಿಸಿ ಒಂದೇತರನಾದ ಕಾಯಿದೆಯನ್ನು ಮಾಡಬೇಕಾಗಿದೆ. ಈ ವ್ಯವಸ್ಥೆಗಳೆಲ್ಲ ಆಗಲು ಸ್ವಲ್ಪ ಕಾಯಬೇಕು. ಅನೇಕ ಕಾರಣಗಳಿಂದ ಈ ಕಾಯಿದೆಯನ್ನು ಮುಂದೆಹಾಕುವ ಪ್ರಸಂಗ ಈಗ ಸರ್ಕಾರಕ್ಕೆ ಬಂದಿದೆ. ಆದರೆ ಇದೇಕಾಲಕ್ಕೆ ಹೀಗೆ ಮುಂದೆ ಹಾಕುವ ಪ್ರಸಂಗದಲ್ಲಿ ಇದರಿಂದ ತಪ್ಪಾಗುತ್ತದೆ ಮತ್ತು ಇದರಿಂದ ಅನೇಕ ತೊಂದರೆಗಳುಂಟಾಗುತ್ತವೆ ಎಂದು ಕೆಲವರಿಗೆ ಭೀತಿಯುಂಟಾಗಿದೆ. ಆದರೆ ಅಂತಹ ಭಯಕ್ಕೆನೂ ಕಾರಣವಿಲ್ಲ ಎಂದು ನಾನು ಹೇಳಬಯಸುತ್ತೇನೆ. ರೈತರಿಗೆ ಈ ಕಾಯಿದೆಯಿಂದ ಏನೋ ಅನಾಹುತ ಏಂಟಾಗುತ್ತೆಂದು ಹೇಳುವುದು ಸರಿಯಲ್ಲ. ಮುಖ್ಯವಾಗಿ ಜಮೀನುದಾರರಿಗೂ ಗೇಣೀದಾರರಿಗೂ ರಕ್ಷಣೆ ಕೊಡಲು ಅನುಕೂಲವಾಗುವಂತೆ ಈ ಪ್ರಸಂಗ ವನ್ನು ಮುಂದೂಡಲು ಸರ್ಕಾರವು ತಂದಿದೆ. ಅದನ್ನು ಮುಂದಕ್ಕೆ ಹಾಕಲು ಅಮಲಿನಲ್ಲಿ ತರಲು

ಅಂತಹ ತೊಂದರೆಯೇನೂ ಆಗುವುದಿಲ್ಲ. ಹಾಗೆ ಆದರೆ 31ನೇ ಕಲಂನ ಪ್ರಕಾರ ಜಮೀನುಗಳನ್ನು ಪುನಃ ವಾಪಸು ರೈತರ ಕಬ್ಬದಿಂದ ಹಿಂದಕ್ಕೆ ಕೊಡಬೇಕೆಂದು ಮನೂದೆಯಲ್ಲಿ ಸಂರಕ್ಷಣೆ ಕೊಡಲಾಗಿದೆ.

ಈ ಪ್ರಕಾರ ರೈತರಿಗೆ ಅನ್ಯಾಯವಾಗದಂತೆ ಯೋಜನೆಮಾಡಿ ಕಾಯಿದೆಯನ್ನು ಅಮಲು ಬಜಾವಣಿ ಮಾಡುವ ಕಾಲಕ್ಕೆ ಅಡಚಣೆ ಬಂದಕಾರಣದಿಂದ ಈ ಕಾಯಿದೆಯನ್ನು ಕೆಲವು ದಿವಸಗಳು ಮುಂದೆಹಾಕಿ ಇಡೀ ಮೈಸೂರು ರಾಜ್ಯಕ್ಕೆ ಒಂದೇ ಕಾಯಿದೆ ಅನ್ವಯಿಸುವಂತೆ ಮಾಡಬೇಕೆಂದು ಸರ್ಕಾರದ ಇಚ್ಛೆ ಇದ್ದಾಗ ಇದನ್ನು ಮುಂದೆ ಹಾಕುವುದರಿಂದ ಅಷ್ಟೇನೂ ದೊಡ್ಡ ಅನ್ಯಾಯ ಅನಾಹುತಗಳು ಆಗಲಿಕ್ಕಿಲ್ಲ ಎಂದು ನನ್ನ ಸ್ಪಷ್ಟಪಾದ ಅಭಿಪ್ರಾಯ.

ಈ ಕಾಯಿದೆಯನ್ನು ಕೆಲವು ವಿಷಯಗಳಲ್ಲಿ ಮುಂಜಾಗರೂಕತೆ ಕೈಕೊಳ್ಳಬೇಕಾಗಬಹುದು. ಮುಖ್ಯವಾಗಿ ಅರ್ಜಿಕೊಟ್ಟು ತಿಂಗಳ ನೋಟೀಸ್ ಕೊಟ್ಟು ಜಮೀನು ಬಿಡಿಸಿಕೊಳ್ಳುವ ಅವಕಾಶ ಹಾಗೆಯೇ ಉಳಿದೆ. ಅದರ ಪ್ರಕಾರ ಜಮೀನ್ದಾರನು ಜಮೀನು ಬಿಡಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಪ್ರಯತ್ನಮಾಡುತ್ತಾನೆ. ರೈತನು ಗೇಣಿ ಕೊಡದೆ ತಪ್ಪಿದಲ್ಲಿ ಅಂದರೆ ಮೂರುಪಾಲು ಕೊಡದಿದ್ದರೆ ಅವನ ಜಮೀನನ್ನು ಕಬ್ಬು ತಪ್ಪಿಸುವುದು ಎಂದು ಜಮೀನ್ದಾರನ ಸಂರಕ್ಷಣೆಗೆ ಒಂದು ಕಲಂ ಇದೆ. ಇದರ ಪ್ರಕಾರ ರೈತನಿಂದ ಜಮೀನು ತಪ್ಪಿಸಲಕ್ಕೆ ಒಂದು ಅವಕಾಶವಿದೆ. ಈ ಮನೂದೆಯಲ್ಲಿ, ಆ ಕಾಯಿದೆಯನ್ನು ಮುಂದೆಹಾಕುವ ಕಾಲದಲ್ಲಿ ರೈತರಿಗೆ ಅನ್ಯಾಯವಾಗದಂತೆ ಒಂದುರೀತಿ ಸಂರಕ್ಷಣೆ ಒದಗಿಸಿದರೆ ಒಳ್ಳೆಯದಾಗುತ್ತಿತ್ತು ಎಂದು ನನಗನಿಸುತ್ತದೆ. ಆ ಬಗ್ಗೆ 25ನೇ ಕಲಮಿನಲ್ಲಿ ಸಾಕಷ್ಟು ವ್ಯವಸ್ಥೆ ಮಾಡಲಾಗಿದೆ. ಆದರೂಕೂಡ ಜಮೀನ್ದಾರರು ಗೇಣಿ ತೆಗೆದುಕೊಳ್ಳುವಾಗ ಪಾವತಿ ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯವಿದ್ದರೂ ಯಾರೂ ಪಾವತಿ ಕೊಡುವುದಿಲ್ಲ. ಇದಲ್ಲದೆ ರೈತನು ಅನಕ್ಷರಸ್ಥ. ಅನೇಕರು ಲಾವಣಿಯನ್ನು ತೆಗೆದುಕೊಂಡು, ಲಾವಣಿ ಕೊಟ್ಟಿಲ್ಲವೆಂದು ನೋಟೀಸ್ ಕೊಟ್ಟು ರೈತನಿಂದ ಜಮೀನು ಕಬ್ಬು ತೆಗೆದುಕೊಳ್ಳುವ ಪ್ರಯತ್ನ ನಡೆದಿದೆ. ಅನೇಕ ಜಮೀನ್ದಾರರು ರೈತರಿಂದ ಈ ರೀತಿಯಾಗಿ ಜಮೀನು ತೆಗೆದುಕೊಂಡಿರುತ್ತಾರೆ. ಈ ಕಾಯಿದೆಯನ್ನು ಒಂದುವರ್ಷ ಮುಂದೆ ಹಾಕುವುದರಿಂದ ಅನೇಕರು ಇದರ ಕಲಮುಗಳ ಪ್ರಕಾರ ಆ ರೀತಿ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ಈ ಕಾಯಿದೆಯನ್ನು ಒಂದುವರ್ಷ ಮುಂದೆ ಹಾಕುವುದರಿಂದ ಆಗುವಂಥ ತೊಂದರೆಯನ್ನು ತಪ್ಪಿಸಲು, 25ನೇ ಕಲಮಿನ ಪ್ರಕಾರ ರೈತ ಜಮೀನ್ದಾರನ ಕೈಗೆ ಸಿಕ್ಕದಂತೆ, ರೈತರ ಮೇಲೆ ಅನ್ಯಾಯವಾಗದಂತೆ, ಅವರಿಗೆ ಸಂರಕ್ಷಣೆಯನ್ನು ಈ ಕಾಯಿದೆಯಮೂಲಕ ಕೊಟ್ಟಿದ್ದರೆ ಬಹಳ ಚೆನ್ನಾಗಿರುತ್ತಿತ್ತು ಎಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ.

ಇದೂ ಅಲ್ಲದೆ ಮತ್ತೊಂದು ವಿಷಯದ ಬಗ್ಗೆ ನಾನು ಕೆಲವು ಮಾತುಗಳನ್ನು ಹೇಳಬಯಸುತ್ತೇನೆ. ಈ ಕಾಯಿದೆಯಲ್ಲಿ ಸಣ್ಣ ಹಿಡುವಳಿದಾರರಿಗೆ ಸಂರಕ್ಷಣೆ ಕೊಡಬೇಕೆಂದು ಸರ್ಕಾರದ ಇಚ್ಛೆ ಇದೆ. ಆ ಪ್ರಕಾರ ಈ ಕಾಯಿದೆಯಲ್ಲಿ ಕೆಲವು ಕಲಮುಗಳನ್ನು ಸೇರಿಸಲಾಗಿದೆ. 88ನೇ ಕಲಮುಪ್ರಕಾರ ಸಣ್ಣ ಹಿಡುವಳಿದಾರರಿಗೆ ಕೆಲವು ಸಂರಕ್ಷಣೆಗಳನ್ನು ಕೊಡಲಾಗಿದೆ. ಆದರೆ ಈ ದುರಸ್ತಿ ಬರೆಯಲ್ಪಟ್ಟ ಈ ಗೇಣಿ ಕಾಯಿದೆ ಮುಂದೆ ಹಾಕುವ ಮನೂದೆಯಲ್ಲಿ, ಕೆಲವೊಂದು ರೀತಿಯ ಸಣ್ಣ ಹಿಡುವಳಿದಾರರಿಗೆ ಅನ್ಯಾಯ ಮಾಡಲಾಗಿದೆ ಎಂದು ಹೇಳುತ್ತೇನೆ. 15ನೇ ಕಲಮನ್ನು ದುರಸ್ತಿ

ಮಾಡಿದ ಕಾಲಕ್ಕೆ 31ನೆ ಕಲಮು ಪ್ರಕಾರ ಯಾವ ಜಮೀನು ಬಗ್ಗೆ ರೈತನು ರಾಜೀನಾಮೆ ಕೊಟ್ಟು ಬಿಡಲಿಕ್ಕೆ ಸಿದ್ಧನಾಗಿರುತ್ತಾನೋ 31 (ಬ) ಕಲಂ ಅನ್ವಯಿಸಿಕೊಂಡು ಅದರ ಪ್ರಕಾರ ಅರ್ಧ ಜಮೀನು ಒತ್ತಾಯವಾಗಿ ಜಮೀನು ಮಾಲೀಕನಿಗೂ, ಅರ್ಧ ಜಮೀನು ರೈತನಿಗೂ ಬಿಟ್ಟುಕೊಡಬೇಕಾಗುತ್ತದೆ. ಇದರಿಂದ ಅರ್ಧ ಜಮೀನು ಮಾತ್ರ ರೈತನಿಗೆ ಉಳಿಯಬೇಕು. ಈ ತರಹ ಒತ್ತಾಯದಿಂದ ಸಣ್ಣ ಹಿಡುವಳಿದಾರರಿಗೆ ಅರ್ಧ, ರೈತನಿಗೆ ಅರ್ಧ ಜಮೀನು ಕೊಡಿಸುವುದರಿಂದ ರೈತನಿಗೂ ಸುಖವಾಗುವುದಿಲ್ಲ, ಜಮೀನು ಮಾಲೀಕನಿಗೂ ಸುಖವಾಗುವುದಿಲ್ಲ. ಅದರ ಪ್ರಕಾರ ಸಣ್ಣ ಹಿಡುವಳಿದಾರನಿಗೆ ರಕ್ಷಣೆ ಕೊಡುತ್ತಿಲ್ಲ. 15ನೇ ಕಲಂ ಎರಡನೇ ಉಪ ಕಲಂನಲ್ಲಿ 31 (ಬ) ಈ ಶಬ್ದಗಳನ್ನು ಸೇರಿಸುವಾಗ ಆತನಬಗ್ಗೆ ಸ್ವಲ್ಪ ಲಕ್ಷ್ಯ ತೆಗೆದುಕೊಳ್ಳಬೇಕಾಗಿತ್ತು. ಆದರೂ ಚಿಂತೆಯಿಲ್ಲ. ಈಗಲೂ ಸಣ್ಣ ಹಿಡುವಳಿದಾರರಿಗೆ ಸಂರಕ್ಷಣೆ ಒದಗಿಸಿಕೊಡುವುದು ಅತ್ಯಂತ ವಿಹಿತವೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

ಇನ್ನು ಮುಂದೆ ಈ ಕಾಯಿದೆ, ಮುಂಬೈ ಟೆನಂಸಿ ಕಾಯಿದೆ, ಮುಂದೆ ಹಾಕಲ್ಪಡುವಾಗ ಅನೇಕ ಮತಗಳ ಬಗ್ಗೆ ನಮಗೆ ವಿಚಾರ ಮಾಡಲಿಕ್ಕೆ ಸಂದಿ ಸಿಕ್ಕ ಹಾಗಾಯಿತು. ಆ ಮತಗಳೆಲ್ಲದರಬಗ್ಗೆ ಒಂದು ಕಮಿಷಿಯನ್ನು ನಿಯಮಿಸಿ ವಿಚಾರಮಾಡಿ ಎಲ್ಲ ರೀತಿಯಿಂದಲೂ ಯಾರಿಗೂ ಅನ್ಯಾಯವಾಗದಂತೆ, ಜಮೀನ್ದಾರನಿಗಾಗಲಿ, ರೈತನಿಗಾಗಲಿ, ಯಾರಿಗೂ ಅನ್ಯಾಯವಾಗದಂತೆ ಒಂದು ಉತ್ತಮ ರೀತಿಯ ಕಾಯಿದೆ ಜಾರಿಗೆ ತರುವ ಬಗ್ಗೆ ಆದಷ್ಟು ಲಕ್ಷ್ಯ ಕೊಟ್ಟು ದುಡಿದು ಮತ್ತೊಂದು ಕಾಯಿದೆಯನ್ನು ಮಾಡುವುದು ಅವಶ್ಯಕವೆಂದು ನನಗನ್ನಿಸುತ್ತದೆ.

ಅದೇ ಕಾಲಕ್ಕೆ ಸಣ್ಣ ಹಿಡುವಳಿದಾರರ ಬಗ್ಗೆ ಯಾವ ರೀತಿಯ ಸಂರಕ್ಷಣೆಯನ್ನು ಕೊಡಬೇಕೆಂದು ಸರಕಾರದ ಧೋರಣೆ ಇತ್ತು, ಮುಂಬೈ ನಲ್ಲಿಯೇ ಆಗಲಿ, ಎಲ್ಲೆಯೇ ಆಗಲಿ, ಆ ಬಗ್ಗೆ ಸಣ್ಣ ಹಿಡುವಳಿದಾರರಿಗೆ ಯಾವುದೇ ರೀತಿಯ ತೊಂದರೆಗಳಾಗದಂತೆ ಅವರ ಜಮೀನು ಬಡಿಸಿಕೊಳ್ಳಲಿಕ್ಕೆ, ಅನಾರ ಪ್ರತ್ಯಕ್ಷ ಜಮೀನು ಮಾಡುವಾಗ ರೈತನಿಂದ ಜಮೀನು ಬಡಿಸಿಕೊಳ್ಳಲಿಕ್ಕೆ ಸುಲಭವಾಗಿರುವಂತೆ, ಈ ರೀತಿಯ ನಿಯಮವನ್ನು ಮುಂದಿನ ಕಾಯಿದೆಯೊಳಗೆ ಸೇರಿಸುವುದು ಅತ್ಯಾವಶ್ಯಕ.

ಅದೇ ಪ್ರಕಾರ ಈ ಸಣ್ಣ ಹಿಡುವಳಿದಾರರು ಕೆಲವು ವೇಳೆ ಯಾವುದೇ ಉತ್ತಮ ವಿಧದ ತಮ್ಮ ಜಮೀನನ್ನು ರೈತನು ಕಡೆಗೆ ಬಿಟ್ಟು ಈಗ ಒಂದು ದುರ್ಭರ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿರತಕ್ಕ ಅನೇಕ ಪ್ರಸಂಗಗಳಿವೆ. ಅಂಥವರಿಗೆ ಈ ಗೇಣಿ ಕಾಯಿದೆಯನ್ನು ಅನ್ವಯಿಸುವುದರಿಂದ ಅವರ ಉತ್ತಮ ಬಹಳ ಕಡಮೆಯಾಗುತ್ತದೆ. ಎರಡರಿಂದ ಐದು ಪಟ್ಟು ಗೇಣಿಯನ್ನು ಕೊಡುವುದರಿಂದ ಸಣ್ಣ ಹಿಡುವಳಿದಾರರಿಗೆ ಯಾವುದೇ ರೀತಿಯಿಂದ ಹೊಟ್ಟೆ ತುಂಬಿಕೊಳ್ಳಲಿಕ್ಕೆ, ಅವರ ಜೀವನ ಸಾಗಿಸಲಿಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲದಂತಾಗುತ್ತದೆ. ಅದಕಾರಣ ಸಣ್ಣ ಹಿಡುವಳಿದಾರರು ಗೇಣಿ ನಿಯಮದಂತಾಗಲಿ ಅಥವಾ ಯಾವುದೇ ರೀತಿ ಜಮೀನನ್ನು ಬಡಿಸಿಕೊಳ್ಳುವ ಕಾಲಕ್ಕೆ ಆಗತಕ್ಕ ತೊಂದರೆಗಳು ಆಗದಂತೆ ಅವರಿಗೆ ಸಂರಕ್ಷಣೆ ಕೊಡುವುದು ಅತ್ಯಂತ ಉಚಿತ ಮತ್ತು ಮುಖ್ಯವೆಂದೆ ನಿಸುತ್ತದೆ. ಈ ಪ್ರಕಾರ ಸ್ವಲ್ಪ ಬದಲಾವಣೆಗಳು ಆಗುವುದು ಅವಶ್ಯಕವಿದೆ. ಈ ಬಗ್ಗೆ ಸರಕಾರದವರು ಲಕ್ಷ್ಯವನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ನಾನು ಸೂಚಿಸುತ್ತೇನೆ.

ಇನ್ನೊಂದು ವಿಚಾರ. ಮಂತ್ರಿಗಳು ತಮ್ಮ ಭಾಷಣ ಕಾಲದಲ್ಲಿ ಈ ಕಾಯಿದೆಯನ್ನು ಮುಂದೆ ಹಾಕುವ ಉದ್ದೇಶ ಏನೆಂಬುದನ್ನು ವಿವರಿಸುತ್ತಾ ಮುಂದೆ ಆಗಬಹುದಾದ ಅಥವಾ ಈಗಲೇ ಚಿಕ್ಕ ಕಂಡುಬಂದ ಲಿಖಿತರೀತಿಯ ಸಂಬಂಧಿಸಿದಂತೆ ಕಟ್ಟು ರಗಳು ನಡೆಯಬಹುದು, ಅವನ್ನು ಪರಿಶೀಲಿಸಲಿಕ್ಕೆ ಈ ಕಾಯಿದೆ ಮೂಲಕ ಸಾಧ್ಯವಾಗಬೇಕು ಎಂದು ಹೇಳಿದರು. ನನ್ನ ದೃಷ್ಟಿಯಲ್ಲಿ ಲಿಖಿತರೀತಿಯ ತಪ್ಪಿಸುವುದು ಅಥವಾ ಕೋರ್ಟಿನಲ್ಲಿ ನ್ಯಾಯ ಕೊಡುವುದನ್ನು ತಪ್ಪಿಸುವುದು ಸಾಧ್ಯವಿಲ್ಲವೆಂದು ಕಾಣಿಸುತ್ತದೆ, ಏಕೆಂದರೆ ಈಗಾಗಲೇ ನೋಟೀಸ್ ಕೊಟ್ಟಿರುವ ಬಗ್ಗೆ 25 ಸಾವಿರ ಅರ್ಜಿಗಳಾಗಿವೆ. ಯಾವುದೇ ಕಾಯಿದೆಯಲ್ಲಿ ಜಮೀನ್ದಾರನಿಂದ ವಾಲಿಕೆ ಹೋಗಿ ರೈತನಿಗೆ ಮುಟ್ಟಬೇಕಾದರೆ, ಜಮೀನ್ದಾರನು ಕೈಕಟ್ಟಿಕೊಂಡು ಸುವ್ಯವಸ್ಥಿತವಾಗಿ ತನ್ನ ಮಾಲೀಕತ್ವವನ್ನು ಹೋಗಲಾಡಿಸುವುದಿಲ್ಲ. ಆತನು ಅದಕ್ಕೆ ಯೋಗ್ಯ ಪ್ರತಿಭಟನೆ ಮಾಡುತ್ತಾನೆ. ಆತನು ತನ್ನ ಜಮೀನು ಉಳಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡುತ್ತಾನೆ. ಆತನು ಕೋರ್ಟಿಗೆ ಹೋಗದಾರದು ಎಂದು ಮಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. ಹಾಗೆ ಮಾಡಬೇಕಾದರೆ ಅವರು ಹೇಳಿದಷ್ಟು ಕಿಮ್ಮತ್ತನ್ನು ಜಮೀನಿಗೆ ಕೊಡಿಸಬೇಕಾಗುತ್ತದೆ. ಹೀಗೆ ಕೇಳಿದಷ್ಟು ಹಣವನ್ನು ಕೊಡಲು ರೈತನಿಗೆ ಶಕ್ತಿ ಇದೆಯೇ ಅಥವಾ ಸರಕಾರಕ್ಕೆ ಆ ಸಾಮರ್ಥ್ಯವಿದೆಯೇ ಎಂಬುದನ್ನು ಯೋಚನೆ ಮಾಡಬೇಕು. ನಮ್ಮ ಮಾನ್ಯ ಮಿತ್ರರಾದ ಎಸ್. ಡಿ. ಕೊತಾವಳಿಯವರು ಒಂದು ಸೂಚನೆ ಯನ್ನು ಮಾಡಿದರು. ಅದು ಯೋಗ್ಯವೆನಿಸುತ್ತದೆ. ಜಮೀನ್ದಾರನಿಂದ ಜಮೀನು ರೈತನಿಗೆ ಕೊಡಿಸುವಾಗ ಪರಿಹಾರವನ್ನು ಕೊಡುತ್ತಾರೆ. ಈ ಪರಿಹಾರವನ್ನು ಕೊಡುವವನ ಜವಾಬ್ದಾರಿಯನ್ನು ಸರಕಾರದವರು ಹೊತ್ತುಕೊಂಡು ಆ ಪ್ರಕಾರ ಜಮೀನ್ದಾರನಿಗೆ ಬಾಂಡ್ ಬರೆದು ಕೊಟ್ಟಿಲ್ಲ ಅಥವಾ ಮತ್ತೇನಾದರೂ ವ್ಯವಸ್ಥೆ ಮಾಡಿ ಜಮೀನ್ದಾರನಿಗೆ ಪರಿಹಾರದ ಹಣ ಸಿಕ್ಕಬೇಕು, ರೈತನಿಗೂ ಮತ್ತೆ ಜಮೀನ್ದಾರನಿಗೂ ಪ್ರತ್ಯಕ್ಷವಾಗಿ ಹಣದ ಸಂಬಂಧವಿರಬಾರದು. ಆ ಪ್ರಕಾರ ಜಮೀನ್ದಾರನಿಗೆ ಹಣದ ಭರವಸೆ ಸಿಕ್ಕಬೇಕು ಎಂದು ತಿಳಿದುಕೊಂಡು ಅದಕ್ಕೆ ಯೋಗ್ಯ ವ್ಯವಸ್ಥೆಯನ್ನು ಸರಕಾರದವರು ಮಾಡಿದರೇನೇ ಅದರಿಂದ ಸ್ವಲ್ಪ ಮಟ್ಟಿಗೆ ಕೋರ್ಟಿನಲ್ಲಿ ನ್ಯಾಯಗಳು ಬರಬಹುದೆಂದು ನನಗನ್ನಿಸುತ್ತದೆ. ಆ ಪ್ರಕಾರ ಯೋಗ್ಯ ವ್ಯವಸ್ಥೆ ಮುಂದಾದರೂ ಆಗಬಹುದೆಂದು ನಾನು ನಂಬಿದ್ದೇನೆ. ಈ ಮೂರುನಾಲ್ಕು ಮಾತುಗಳನ್ನು ಸೂಚಿಸಿ ನನ್ನ ಭಾಷಣವನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

[Sri N. O. SAMAJI (Belgaum) spoke in Marathi. The following is the short summary of his speech in English].

[Mr. Speaker, Sir. The Tillers' Day, the first of April 1957 has been postponed by one year by the Tenancy Bill which is now under discussion before this Hon'ble House. Before expressing my views on this Bill, I wish to bring one point to your kind notice. I had made a representation on 24-12-1956 in the last December session that arrangements may be made

(SRI N. O. SAMAJI)

to print the Marathi speeches in Marathi in the Debates to supply copies of Bills translated into Marathi and to appoint a Marathi stenographer in the Assembly office for recording the Marathi speeches. In reply, the Chief Minister Sri Nijalingappa was pleased to assure that he would consider the suggestion. But today I see the same situation existing and no such arrangement has been made. I hope that necessary arrangements would be made in respect of this suggestion until our area is included in Maharashtra. I will leave this matter at that.

Mr. Speaker, Sir, in our country nearly 70% population consists of agriculturists. Unless the condition of the agriculturists are improved there will be no progress in our country. Therefore something must be done to improve the conditions of the peasants. During the regime of Britishers the condition of the cultivators was very precarious. Major portion of the land's income was taken away by the landlords. There was also no certainty as to when the tenant would be evicted. On account of this, the tenants were harassed and their financial condition was very poor.

Before independence, the Indian National Congress assured many things to the people. In the Karachi Congress session in 1931, a resolution has been passed by the Congress that the land revenue collection would be discontinued when India is independent. But after independence what we see is quite the reverse. The local fund of 1 anna has been raised to 3 annas.

After independence, we believed that the Tenancy Act would be passed soon to the effect that the tiller of the soil would become the owner of the land. However it was postponed for 6 to 6½ years. The Congress people were aware that after 5 years they will have to approach the agriculturists for their votes. In order to show that they have done something for the agriculturists, a Tenancy Bill was passed in 1955. Our present Revenue Minister was then in the Bombay Cabinet. Whatever Acts have

been passed in Bombay State and brought into force, it was believed, they will be continued in the four districts of Bombay Karnatak now merged in Mysore State. The Prohibition Act has been continued. But why this Tenancy Act is not continued? When the Revenue Minister had called a meeting in Dharwar some time ago to discuss the Tenancy Bill, it is understood that one of the members, Shri V.V. Patil said that he would walk out of the meeting if the Act was not kept in force.]

SRI M. P. PATIL.—What was the opinion of the majority?

[**SRI N. O. SAMAJI.**—In that meeting some of the members present were not in favour of some of the provisions of the Act but there were some who were of the opinion that the Act should continue in force. There was no clear majority as the Hon'ble Minister supposes. I am also of the opinion that the Ordinance in this respect was not promulgated before the 25th February because the Congress party was afraid that they would not get the votes of the agriculturists and would lose the election if they were to know that such an ordinance was coming out. That is why, I think, the members of the party did not say a word about the coming ordinance and thus, my charge is, they have betrayed the electorate.]

(*Sri S. D. Kothavale interrupted*)

MR. SPEAKER.—I must say that there should not be such wordy wars. Whatever the Hon'ble Member Sri Samaji Patil wants to say, he is free to say, I can understand the Hon'ble Minister interrupting the Hon'ble Member; but, I cannot understand the Hon'ble Member Sri Kothavale interrupting. He had his chance. Of course, I do not deny the right of interrupting in the debate. But, two Hon'ble Members standing at the same time and talking would not be proper in the House.

SRI S. D. KOTHAVALA.—May I say a word, Sir? I have got a right of explanation whenever wrong or false statements are made.

MR. SPEAKER.—I have already said that the Hon'ble Member has a

right to interrupt; But the right to interrupt must be reasonable. The other day, Hon'ble Member Sri Gopala Gowda said that interruptions are part of democracy; I agree. But, interruptions are not the whole of democracy. We could keep the dignity of the House. Interruptions are welcome here and there. But, if two Hon'ble Members stand and begin to interrupt, it would be a sorry spectacles.

[Sri N. O. SAMAJI.—Mr. Speaker, Sri, I am telling the facts. In this election 50 to 55 opposition members have been elected in the Mysore Assembly. Why has this happened? The Congress people may say that they can do whatever they want on the strength of the majority. But the support to the Congress is only 48 per cent. Others are in the opposition. I can say that they have no real majority behind them. I may warn that if the Act is postponed now the result can be seen in the next election. Many will not be able to sit here in this House.

The agriculturists had believed that on the 1st April 1957 they will be the owners of the land. The people were anxious to see this Day. Without asking the opinion of the voters, this Bill has been brought now. It is very important to know that about 1,20,000 notices have been served on the tenants by the landlords in a very short time. How much expenditure has been incurred for issuing these notices is worth considering. After having succeeded in the election it is now sought to be postponed. There are no other difficulties. Only the election was an obstacle to them. This Act will be in force in the neighbouring State but it will not be in the Mysore State. What disparity is there in the border? How the agriculturists in the Mysore State will progress? How our country will progress? I emphatically say that the Tenancy Act should be retained in force in the four districts and subsequently it should be made applicable to the whole State of Mysore. I have expressed this opinion in my speeches in the last session. The correct opinion of the people is represented by the opposition members and not by the Congress Party

which is now in majority. Hon'ble Members Sri Panchagavi criticised the opposition stand. I would like to bring to your kind notice, Sir, that no receipts are given to the tenants by the landlords for receiving the land income. 80% of the agriculturists are ignorant. The agriculturists trust the words of the landlord and they do not obtain a receipt. But the ignorant agriculturists cannot produce a receipt in the court of law when there is any litigation. The decision of the court or of the Revenue Tribunal will always be in favour of the landlords. In many cases the tenants are unable to get the possession of the land for many months as landlords make misleading statements before the court. It is often asserted that the crop is in the fields and the possession cannot be given to the tenant while that is not at all a fact. Such is the condition of the poor agriculturists. They are put thus to loss.]

Mr. SPEAKER.—I would like to point out that what the Hon'ble Member is saying is besides the question. After all we are dealing with the amending Bill. The question of taking possession or giving possession or delaying possession is not quite relevant. It is of course true that Hon'ble Sri Panchagavi made a few remarks in this respect, but what he said was by way of passing reference. He did not dilate on this. I would request the Hon'ble Member to speak on the amending Bill itself and the relevant clauses which are being affected by the amending Bill in the original Act.

[Sri N. O. SAMAJI.—I would like to explain some difficulties of the agriculturists. Agriculturists do not understand how much five times the assessment will be. It should be fixed on the strength of the records. The rules may be explained to them by the officers.

Many resignations from the tenants have been obtained by the landlords. But some provision should be made in the Act to retain the land with the tiller. Receipt is not given by the landlord.]

Sri M. P. PATIL.—Is that relevant, Sir?

Mr. SPEAKER.—I have been watching. I have already told the Hon'ble Member. ಕಾನೂನಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಲಮುಗಳ ವಿಷಯವಾಗಿ ಮಾತನಾಡಬೇಕು. ರಾಜೀನಾಮೆ ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ ಎಂಬುದನ್ನು ಹೇಳುವುದು ಸರಿಯಾಗುವುದಿಲ್ಲ. ನೋಟೀಸ್ ಕೊಟ್ಟು ಭೂಮಿಗಳನ್ನು ವಶಪಡಿಸಿಕೊಂಡಿದ್ದಾರೆ ಎಂಬ ವಿಷಯ ಪ್ರಸ್ತಾಪಿಸಿ ಹೇಳಬಹುದು.

ಶ್ರೀ ಬಿ. ಹುಚ್ಚೇಗೌಡ (ತುರ:ವೇಕರೆ).—ಸ್ವಾಮಿ, ಮೂಲ ಕಾನೂನಿನ ಪ್ರತಿಯು ನಮಗೆ ದೊರೆತಿಲ್ಲ. ಅದನ್ನು ನಮಗೆ ಕೊಡುವ ರೀತಿ ಮಾಡಬೇಕು.

ಅಧ್ಯಕ್ಷರು.—ಈಗ ಕೊಟ್ಟಿರುವ ತಿದ್ದುಪಡಿ ಮನೂದೆ ಯಲ್ಲಿ ಎಷ್ಟು ಬೇಕೋ ಅಷ್ಟು ಸಂಬಂಧಪಟ್ಟ ಮೂಲ ಕಾನೂನಿನಲ್ಲಿಯ ಕಲಮುಗಳನ್ನು ಕೊಡಲಾಗಿದೆ.

[Sri N. O. SAMAJI.]—I have already spoken in detail. I strongly say that the provisions of the Tenancy Act should not have been postponed. I therefore request that they should be kept in force on 1st April 1957. It will be in the interest of the landlords to postpone them. The ambition of the agriculturists that they would become the owners of the land on 1st April 1957 should be fulfilled. Lastly I thank the Hon'ble Members and the Speaker for giving me an opportunity to speak. Thank you, Sir.]

2 P.M.

Sri M. P. PATIL.—I am not well, Mr. Speaker, Sir. Can I be allowed to make my speech sitting?

Mr. SPEAKER.—Yes, you can do so.

Sri M.P. PATIL.—Sir, I am thankful to the Hon'ble Members for discussing this Bill threadbare. Some members raised some objections against the Bill and some members raised some doubts also regarding the procedure followed in introducing this Bill. Sir, on the objections raised regarding the issue of an ordinance, I would like to inform the House that since this Government came into power, we have been thinking of this problem. As a matter of fact, the question of having uniform laws for the whole of this State is before the Government. But in addition, there was the question of public opinion regarding the Bombay Act also. Sir, I therefore called an informal meeting of the Assembly Members from Bombay-Karnatak and ascertained their view. It is true that a few members maintained that the Bombay Act, as it is, should be continued. But an over-

whelming majority of the members were not in favour of continuing this Act as it is.

They expressed their opinion that at least some provisions of this Bill should be postponed with a view to reconsider the implications of those provisions and with a view to have uniform law in the whole of the State. The Mysore Cabinet considered this question. It is well known that the Bombay Tenancy Act was submitted to the Planning Commission and the President for their assent. It was not possible for us to introduce any amendment until we took the approval of the Planning Commission. We therefore wrote to the Planning Commission. The Planning Commission examined the question and they asked us to meet them to discuss the proposals which we had submitted to them. I personally went to Delhi and discussed the matter and was able to convince the Vice-Chairman of the Planning Commission that there were some difficulties in the way of working the Act, especially, the provision which we had decided to postpone would create a lot of litigation in the Bombay Karnatak area. The Vice-Chairman said that he alone had no authority to allow the Mysore Government to postpone the provisions and therefore a full meeting of the Land Reforms Committee of the Planning Commission was called and I was asked to attend it. Perhaps a question may be asked: if it was so, why the Bill was not introduced in the earlier session. As a matter of fact these discussions were going on with the Planning Commission when the first session of this House came to an end. Therefore, the Mysore Government was not in a position to introduce this Bill in that session. Afterwards I was invited to attend the meeting of the Land Reforms Committee of the Planning Commission and after discussion all the members were convinced that these provisions were likely to create a lot of trouble in the Bombay Karnatak. If these two provisions were operated as they are in the Bombay Karnatak area, neither the tenants nor the landlords would be benefited. All of them

would be involved in litigation for a number of years. On account of all these difficulties, the Land Reforms Committee of the Planning Commission approved these proposals and then these proposals were sent to the President for approval. It would take a lot of time to follow all the procedures and therefore we had to issue the Ordinances. Otherwise, we would have introduced this Bill in the first session. It may be asked, if it was so, and if there was delay in getting the approval of the Planning Commission, then why Ordinances were issued and why the Government did not wait to introduce these Bills in this House. I would like the Hon'ble Members to read the provisions of the Bombay Act which we have decided to postpone. We have decided to postpone not the whole amendment which was passed by the Bombay Legislature but we have decided to postpone section 32. Section 32 reads thus :

“On the first day of April 1957 (hereinafter referred to as ‘the Tillers’ Day) every tenant shall, subject to the provisions of the next succeeding section, be deemed to have purchased from his landlord, free of all encumbrances, subsisting thereon on the said day, the land held by him as tenant, if.....”

It will be evident from this that supposing the Bill which has been now introduced in the House does not become effective before 31st March, on the 1st of April the vested right will be in favour of the ryots. Supposing the Legislature modified this provision by legislation. It is quite clear from this that we cannot expect that this Bill would become effective on 1st April. The Assembly was to meet on the 18th and possibly all the Bills would be passed before the end of this month. But as you are aware these Bills cannot become Acts unless they receive the assent of the President. You know what time it takes to get the assent of the President. The Bombay Government submitted this measure for the assent of the President and it took about 5 to 6 months to get the assent

of the President. Supposing that happens, what is the use of bringing in this Bill? That was the reason why we had no alternative but to issue Ordinances.

There were other reasons also why we resorted to issue Ordinances. The Hon'ble Members who come from other areas might be knowing that as the provisions of the Tenancy Bill are being discussed by the Government and the legislatures, some landlords take advantage of the situation and evict tenants by this or that means. Supposing we had not issued Ordinances and introduced these Bills in this House. Without issuing Ordinances, possibly it may take five or six months for this Bill to become an Act and I do not know how many tenants would have been evicted from their lands. In the circumstances I do not know how the members are asking the question as to why Ordinances have been issued.

As a matter of fact I have already informed the House that from 1st August 1956 to 31st December 1956 more than 7,000 surrenders have taken place in the Bombay Karnatak. I studied the working of the Hyderabad Tenancy Act and I find from records that land legislation was hanging on for two to three years and more than 50 per cent of the tenants lost their rights. What is the use to having legislation for the tenants when the tenants have lost their lands? I ask the so called advocates of the ryots whether they wish that the ryots who are there should continue on the lands or should be deprived of the lands. Under the circumstances I am convinced that it was right on the part of the Government to issue these Ordinances for the reasons which I have already stated.

Sir, Sri Pattabhiraman raised the question about the *status que* of the present situation.

Sir, I think he has not read the Bombay Act. I do not blame him if he has not read. But, the provisions which we are postponing are on the statute only. Section 32 has to come into operation on April 1, and therefore that right has not accrued to the tenants. What right I do not know!

(SRI M. P. PATIL.)

Whatever it may be, that right has to accrue on April 1 and what we have decided is that we would like to continue the present *status quo*. Sir, according to that policy, we have decided to postpone this provision and there is nothing wrong, if we have decided to postpone these provisions saying that we want to maintain the *status quo*.

Sir, it was also alleged that the Ordinances were not issued before the Elections as the Congress Party was afraid that they would antagonise either the landlords or the tenants. The Congress Party, as you know, is not so weak. The Hon'ble Member and his Party may be weak. They may try to cajole the electorate. But I tell the Hon'ble Member that the Congress Party is not in a mood simply to cajole the electorate. The Congress Party will do what is in the interest of the electorate and the electorate knows that and therefore the electorate has not placed any confidence in the Hon'ble Member while the same electorate has reposed every confidence in the Congress Party as such. Sir, as a matter of fact, as I found that the issue of the Ordinance was likely to delay the matter and as our opponents might take the objection that the Government has played the mischief, just as Sri Gopala Gowda alleged just now, what I did was, that as soon as it was decided that such provision should be made and as soon as the Planning Commission gave approval to it, I gave a press statement and in that statement, I have made these points quite clear, regarding the suspension of sections 32 and 31. And that press statement was widely published in the whole of the Mysore State and especially in Bombay Karnataka where that question was very keen. Moreover, when we approached the electorate - not only myself, but many of the Congress candidates, whenever they approached the electorate—this question was asked and we have explained the position and the steps which the Mysore Government had decided to take. If in spite of that the electorate has reposed its confidence in the Congress Party, what does it show? Does it mean that the

Hon'ble Members who are the so-called advocates of the interests of the raiyats have been trusted by the electorate or does it mean that the electorate has preferred to trust the Congress Party as their advocates? As you know, Sir, raiyats are not simpletons. Raiyats are very shrewd people. They may be ignorant; they may be uneducated. But they know who take genuine interest in their affairs and therefore, they have shown their preference in the last General Elections by returning Congress candidates.

Sir, in this connection, my personal factor was also brought in. Of course, I have no objection, but it is very undesirable. I want to tell the Hon'ble Members that I am not here as dictator. I am here as a Minister in a democratic Government and I am to follow the policy which the Government will lay down; and therefore, there is no question of my personal opinion. As a matter of fact, I have never expressed any personal opinion on the issue of the Tenancy Bill. In a number of cases, I know a number of people have asked this question. My friends, the journalists, know that they have asked this question. I told them that I cannot give my personal opinion because it is not my personal matter. It is a matter for the Government and for the Legislature. In every place wherever such questions were asked, I have refrained from giving personal opinion. Under the circumstances, I cannot understand how my friend Sri Gopala Gowda said that so long as I was here, the raiyats had no hopes. I must retort by saying that it is not so and the raiyats have every hope so long as I am here.

Sir, the other question of my membership of the Bombay Cabinet has also figured in the discussion. Sir, as a matter of fact, I was sick at that time. I did not attend the Assembly Session. At the same time, I do not wish to shirk my responsibility of passing this Act. I accept the responsibility of passing the Act, but I have a right just as other Hon'ble Members and every other person has a right, to suggest amendments in the Act and

there is nothing derogatory involved in this matter.

Sir, Sri Gopala Gowda raised the question of the policy of the Government and he said the Congress Party is hypocritical, they indulge in tall talks and they do not carry out the policy. Sir, the policy of the Congress Party is before the country and the electorate has reposed its confidence because they feel that Congress is the only party which will carry out its programme and not other parties. In this connection, I must also point out that the attitude of the Mysore Government was not kept secret but was made public much earlier than the General Elections. Under the circumstances I cannot understand, how he can make such an allegation that the Congress Party is hypocritical in this matter and that they do not want to look to the interests of the raiyats.

Sir, one Hon'ble Member said "Government wants to have uniform policy in the matter of tenancy laws only; why not have the same policy in other matters also?" Sir, I am very sorry that he does not know what policy the Government is following. The Mysore Government is following a uniform policy and wants uniform laws in all matters and not only in the matter of tenancy Bill. In all matters, we are trying to have a uniform policy as far as possible. But, as a matter of fact, as everybody knows, it will take some time and naturally even this tenancy law also may take some time.

Sir, it was also suggested: "Any how the provisions are to be postponed by one year. At least let the Government assure that at least after one year, the tenants will get the rights which have been provided in the Bombay Act." Sir, I cannot understand how I can give any assurance at all. I am here as a Minister of the Government. I am here to pilot only this Bill to suspend some provisions with a view to evolve some uniform legislation. Sir, I also made clear that the Government intends to appoint a committee. That committee will go into the question and make recommendations to the Government. It is for the Government of the day to consider the

matter and the Legislature will have to consider. Under these circumstances, I cannot understand how the Hon'ble Member who knows the law and procedure can expect me to give such an assurance. When all this procedure has to take place, it will be very wrong on my part to give such assurance and even if I give such assurance, it will be only a personal matter and it will have no value. In these circumstances, even though I have got personal opinion on the issue of Tenancy Law, I do not want to give expression to it and I leave the matter to the committee and the future Government and the Legislature.

Sir, Sri Gopala Gowda said: The Tenancy Legislation is being considered for a number of years and so where is the necessity of appointing a committee." He alleged that the Government was thinking of appointing a committee to simply evade the situation. Sir, I strongly protest against his allegation and I must say that the Hon'ble Member Sri Gopala Gowda has no knowledge of the tenancy laws at all

2-30 P.M.

He is said to be a strong advocate of the cause of the ryots. It is said that he has studied very carefully the problems of tenancy legislation. So I anxiously listened to his speech. He took nearly 1½ hours. I expected that he would make some constructive suggestions after considering the pros and cons of this Bill. Ultimately, what did he do? He took more than half an hour in criticising me, the Congress Party and other Hon'ble friends. In the remaining one hour he made some vague allegations speaking to the gallery. After hearing him I was very much disappointed. He asked; "Where is the necessity of appointing a committee? The solution is very easy. The popular slogan is 'land to the tiller' and so all the tenants should be declared as owners of the lands they cultivate and so there is no necessity of appointing any committee for the purpose". As you know, Sir, the whole of India, not merely the Mysore State or the Bombay State, is baffled with this problem of

(SRI M. P. PATIL)

land reforms. This problem is being considered for a number of years now. In Bombay it is being considered since 1937. In U. P. it is being considered for the last 40 to 50 years. A number of States are baffled with this problem and are not able to find a solution to this problem. Even though we have made a lot of progress in the matter of land reforms, we have not yet been able to find out a satisfactory solution for land reforms. After hearing the speech of the Hon'ble Member I was reminded of the English maxim: Devils dare to enter where angels fear to tread.

The Hon'ble Member asked: "Where is the necessity of appointing a committee? Statistics are already there." I do not know where are the statistics which the Hon'ble Member mentions. I have looked into the statistics available in Mysore. I know the statistics which were available in Bombay. The only statistics that are available show that the land holders have been classified as holders holding less than 5 acres, 10 acres, 20 acres, 50 acres, 100 acres and more than 100 acres. Do you think that these statistics are sufficient to solve the land problem? What is the position of landlords? As a matter of fact, the word "landlord" is a misnomer as far as Mysore State, especially Bombay Karnatak, is concerned. There are very few big landlords here. My Hon'ble friend must know that he is not speaking in the U.P. Assembly. He must know that we are discussing this measure in the Mysore State Assembly. In this State the so-called landlords are not landlords in the real sense, but they are only landowners owning 1 acre, 2 acres, 5 acres, 10 acres and 20 acres. The majority of the landlords in our State fall in to these categories and there are very few big landlords. I am not concerned with the big landlords. Supposing, as my Hon'ble friend says, all the tenants are declared as owners of the lands they cultivate, what will be the position of these poor people? They will still remain as poor as they were when they

were tenants. My Hon'ble friend should remember this fact. Let him go to the villages and study this problem. Then he will find that the small holders are as poor as tenants. What will be their position if these lands are to be transferred to their tenants? Is it not necessary that Government should consider all these points before taking any decision? I do not want to express any opinion in this matter, but I only want to place before the House the problems which we have to consider while we are thinking of tenancy legislation. It is only a tall talk to say that the problem is very easy of solution? If we do as the Hon'ble Member says, I do not know how the interests of the tenants and the small landowners will be served. We shall have to consider these things before we evolve a legislation which can be satisfactory, I cannot say to all the people, but to at least a majority of the people of Mysore State. Therefore, considering all these factors, the Government has decided to appoint a committee which would go into all these questions, collect statistics, go from village to village, consult the villagers, not the so-called pedagogues who are speaking here but the villagers who are suffering on account of this situation, and afterwards come to a satisfactory conclusion. That is the idea of appointing a committee. I am quite sure that after considering all these factors in this way the committee will make a recommendation which will be satisfactory both to landlords and to tenants to a great extent, though I do not say hundred per cent.

Sir, I think I have given reply to most of the objections and points raised by the Hon'ble Members and I think that at least now they will withdraw their objections and pass this Bill unanimously.

Mr. SPEAKER.—The question is:

"That the Bombay Tenancy (Suspension of Provisions and Amendment) Bill, 1957, be taken into consideration."

Sri N. B. PUJAR.—Sir, I claim a division.

Mr. **SPEAKER**.—I will grant a standing division. Clause 5 was added to the Bill.

The bell rang for two minutes.

Mr. **SPEAKER**.—Those who are against the motion will stand in their seats.

The following Members stood in their seats :

1. Sri J. Mohamed Imam
2. Sri B. Huthegowda
3. Sri S. Srinivasa Iyengar
4. Sri N. O. Samaji
5. Sri N. B. Pujar
6. Sri V. L. Patil
7. Sri B. P. Kadam
8. Sri S. Gopala Gowda
9. Sri L. Siddappa

Mr. **SPEAKER**.—Those who are in favour of the motion will stand in their seats.

(A large number of Hon'ble Members stood in their seats.)

The motion was adopted.

Mr. **SPEAKER**.—Now the Bill will be read clause by clause. The question is :

“That Clauses 2, 3 and 4 stand part of the Bill.”

The motion was adopted.

Clauses 2, 3 and 4, were added to the bill.

Mr. **SPEAKER**.—Motion moved :

“That Clause 5 stand part of the Bill.”

There are some amendments. They may be moved.

Sri N. B. PUJAR.—Sir, I do not wish to move them.

Mr. **SPEAKER**.—The question is :

“That Clause 5 stand part of the Bill.”

The motion was adopted.

Mr. **SPEAKER**.—Clauses 6 and 7. The question is :

“That Clauses 6 and 7 stand part of the Bill.”

The motion was adopted.

Clauses 6 and 7 were added to the Bill.

Mr. **SPEAKER**.—Clause 1, Title and Preamble. The question is :

“That Clause 1, the Title and the Preamble stand part of the Bill.”

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri M. P. PATIL.—Sir, I beg to move :

“That the Bombay Tenancy (Suspension of Provisions and Amendment) Bill, 1957, be passed.”

Mr. **SPEAKER**.—The question is :

“That the Bombay Tenancy (Suspension of Provisions and Amendment) Bill, 1957, be passed.”

The motion was adopted.

THE MYSORE TENANCY (AMENDMENT AND CONTINUANCE OF TENANCIES) BILL, 1957.

Motion to consider.

Sri M. P. PATIL (Minister for Revenue).—Sir, I beg to move :

“That the Mysore Tenancy (Amendment and Continuance of Tenancies) Bill, 1957 be taken into consideration”.

Mr. **SPEAKER**.—Motion moved :

“That the Mysore Tenancy (Amendment and Continuance of Tenancies) Bill, 1957 be taken into consideration”.